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December 5, 2024

VIA ECF

Honorable Gary Stein
United States District Court
Southern District of New York
500 Pearl Street, Room 9A
New York, New York 10007

MEMO ENDORSED

Re: *Summit Sky Advisory, LLC v. Aquila Air Capital Management, LLC*,
Case No. 24 Misc. 496 (JGK)(GS)

Dear Judge Stein:

We are the attorneys for petitioner Summit Sky Advisory, LLC (“Summit Sky”). We write regarding Summit Sky’s request to update the relief sought by Summit Sky to include an order compelling Aquila Air Capital Management, LLC (“Aquila”) to search the electronic files and document repositories of Chance Fowler and Craig Shay, and to comply with a recently-served deposition subpoena. The circumstances that warranted Summit Sky seeking an order compelling Aquila to appear for a deposition have changed. Specifically, the parties in the underlying action have agreed to extend the deadline to complete discovery beyond December 20, 2024. Therefore, we write to respectfully request permission to withdraw Summit Sky’s letter motion, without prejudice to Summit Sky’s right to renew the motion at a later date. We will be addressing in our reply papers that portion of the motion regarding the electronic files and document repositories of Chance Fowler and Craig Shay.

Respectfully yours,

/s/ Edward Heppt

Edward J. Heppt

cc: Michael Besser (*via e-mail*)
Jonathan Cyprys (*via e-mail*)

Per Petitioner’s letter dated December 5, 2024 (Dkt. No. 16), the motion at Dkt. No. 15 has been withdrawn without prejudice. The Clerk of Court is respectfully requested to terminate the motion at Dkt. No. 15.

Date: December 6, 2024
New York, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Gary Stein".

HON. GARY STEIN
UNITED STATES MAGISTRATE JUDGE